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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/739,856  | 12/18/2000  | Jason M. Allor       | MS1.2571US          | 4196             |
| 22801   | 7590        | 03/09/2006           | EXAMINER            |                  |
| LEE & HAYES PLLC<br>421 W RIVERSIDE AVENUE SUITE 500<br>SPOKANE, WA 99201 |             |                      | CHUONG, TRUC T      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2179                |                  |
| DATE MAILED: 03/09/2006   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                              |  |
|------------------------------|-------------------------------|------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/739,856 | Applicant(s)<br>ALLOR ET AL. |  |
|                              | Examiner<br>Truc T. Chuong    | Art Unit<br>2179             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10,11,13-15 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-11, 13-15, and 29-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

This communication is responsive to Amendment, filed 12/16/05.

Claims 10-11, 13-15, and 29-37 are pending in this application. In the communication, claims 10, 13-15, 30, and 32-34 are amended, and claims 36-37 are new claims. This action is made final.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 10-11, 13-15, 30-34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan (U.S. Patent No. 5,933,599) in view of Kekic et al. (U.S. Patent No. 6,664,978 B1).

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As to claims 10 and 36, Nolan teaches a method for enabling a plurality of users to collaborate on a project, the method comprising:

presenting a first graphical hierarchy having a plurality of nodes (fig. 23 shows that window 402 has plurality of nodes), the first graphical hierarchy based, at least in part, on a first organization (each node represents for a different category or topic such as Business and Finance, Computer and Software, or Home and Family, etc.), each node representing one or more sub-projects into which the project is divided (the Home and Family having children nodes such as Pets, Food, or Gardening, e.g., col. 25 lines 24-35, and fig. 23);

in response to user selection of a node of the plurality, presenting one or more links, wherein the links are selectable to open files or execute programs for use by one or more of the plurality of users to contribute to the one or more sub-projects represented by the selected node (each sub-node or link of the parent node is a link to execute a program therefore Nolan's system can create a shortcut for each of the links, e.g., col. 25 lines 11-35, and fig. 23);

presenting a second graphical hierarchy having a plurality of nodes (Business and Finance or Computer and Software can be considered as a second node with links to that related topic), the second graphical hierarchy based, at least in part, on a second organization, the second organization distinct from the first organization (each node represents for a different category or topic such as Business and Finance, Computer and Software, or Home and Family, etc; therefore, each category distinct from one to another, e.g., col. 25 lines 11-35, and fig. 23);

displaying at least one representation of a task associated with a node of the plurality of nodes (window 204c of fig. 23 derives from the selection of the first or second organization);

displaying at least one computer work queue (window 2300 is a work queue to show the storage of tasks which can be executed by selecting/clicking on the shortcuts, e.g., col. 25 lines 11-35, and fig. 23); and

in response to a user of the plurality of users moving the task representation, adding the represented task to the work queue of the represented computer (each of the links can become a shortcut and move/add to the window/queue 2300 as shown in fig. 23); however, Nolan does not clearly teach displaying at least one representation of a represented computer that is to be used to work on the project. Kekic clearly teaches a monitoring system is capable of monitoring the performance, software, hardware, and performing tasks of other computers throughout the Network and the represent computer has a work queue (e.g., col. 24 lines 35-55, and fig. 6B). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the Network Monitoring features of Kekic in the Organization System of Nolan to increase the flexibility of the user, who controls the system, by helping he/she to be able to act quickly if there is an error or other related problems happening with one of the computers on the Network.

As to claim 11, it is the equivalent computer program product claim of method claim 10 and rejected under a similar rationale.

As to claim 13, Nolan teaches the method further comprising:

displaying at least one other representation of another task associated with a node of the plurality of nodes (see claim 10 above, figs. 9 & 23);

displaying at least one representation of a user of the plurality of users (note the rejection of claim 10 with the motivation and reason to combine Nolan and Kekic), wherein the represented user has a work queue (window 2300 is a work queue to show the storage of tasks

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which can be executed by selecting/clicking on the shortcuts, e.g., col. 25 lines 11-35, and fig. 23, and Kekic clearly teaches a monitoring system is capable of monitoring the performance, software, hardware, and performing tasks of other computers throughout the Network and the represent computer has a work queue (e.g., col. 24 lines 35-55, and fig. 6B)); and,

in response to a transfer of the other task representation to the user representation, adding the other represented task to the work queue of the represented user (each of the links can become a shortcut and move/add to the window/queue 2300 as shown in fig. 23).

As to claim 14, Nolan teaches the method wherein the first graphical hierarchy is a tree, and is presented in a first pane of a user interface (e.g., figs. 5, 7, 9, and 23), and wherein the links are presented in a second pane of the user interface (if Gardening is selected, a window 204c (not in a same window as 402) will show the details about gardening).

As to claim 15, Nolan teaches the method wherein the first graphical hierarchy is a tree, and is presented in a first pane of a user interface, the links are presented in a second pane of the user interface (see claim 14 above), and the work queue is represented in a third pane of the user interface (window 2300 of fig. 23).

As to claims 30-34, they are the equivalent claims of method claims 10-11, 13, and 14-15 respectively and are rejected under a similar rationale.

4. Claims 29, 35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan (U.S. Patent No. 5,933,599) in view of Kekic et al. (U.S. Patent No. 6,664,978 B1), and further in view of Mikkonen (U.S. Patent No. 6,885,633 B1).

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As to claims 29 and 35, the modified system of Nolan in view of Kekic still does not teach the method wherein at least one of the node represent a set of software tests. Mikkonen clearly teaches a node can be used to perform software test and report the results to the other node (col. 3 lines 56-65). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the Software Test Node of Mikkonen in the modified system of Nolan to ease the user when using the system with an available test tool node to make sure the current software on the computer are working normally.

As to claim 37, it is a combination of claims 10 and 29. Note the rejection of claim 10 and 29 above.

### ***Response to Arguments***

5. Applicant's arguments filed 12/16/05 have been fully considered but they are not persuasive.

Applicants argued and Examiner disagrees with the following reasons:

a. *Nolan does not recite a work queue.*

Nolan clearly teaches the window 2300 is a work queue to show the storage of tasks, which can be executed by selecting/clicking on the shortcuts (e.g., col. 25 lines 11-35, and fig. 23), and Kekic also provides a monitoring system is capable of monitoring the performance, software, hardware, and performing tasks of other computers throughout the Network and the represent computer has a work queue (e.g., col. 24 lines 35-55, and fig. 6B).

*b. Nolan and Kekic could not be combined, and there is no motivation or suggestion to do so.*

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Nolan and Kekic are using the well known computer graphical display device (or GUI) to arrange or monitor applications, software, hardware, folders, tasks, and nodes which represent remote clients/servers/peripheral device, etc; therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have the Network Monitoring features of Kekic in the Organization System of Nolan to increase the flexibility of the user, who controls the system, by helping he/she to be able to act quickly if there is an error or other related problems happening with one of the computers on the Network.

*c. The modified Nolan in view of Kekic could not be combined with Mikkonen, and there is no motivation or suggestion to do so.*

It is well known in the art that the software/hardware monitoring/controlling of Nolan in view of Kekic inherently (or must) contains test scripts or other test modules running against entire system or each of the plurality of node as a part of



the software/hardware monitoring. Mikkonen is just the stronger evidence to support that the node can be used to perform software test and report the results to the other node (col. 3 lines 56-65); therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have the Software Test Node of Mikkonen in the modified system of Nolan to ease the user when using the system with an available test tool node to make sure the current software on the computer are working normally.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

03/04/06



**WEILUN LO**  
**SUPERVISORY PATENT EXAMINER**